

EXHIBIT B: CONDITIONS OF APPROVAL - DRC 2014-00112

Authorized Use

1. This approval authorizes an approximately 4,709 square-foot two-story single family residence, lower level storage and an attached 705 square foot garage, and related grading and site improvements.
 - a) All **structures, retaining walls and grading** (excepting driveway access) shall be located within the **designated building site** established by Tract 2149, except for minor grade transitions and portions of cantilevered decks (if any).
 - b) Height shall be as shown on the revised site plan and elevations. In no case may the height exceed 24 feet as measured continuously from existing grade at the building footprint (as a 24 foot plane above existing grade).
 - c) Setbacks shall be as follows: Front: 20 feet for garages, Front: 15 feet for rest of residence, Rear: 10 feet, Side: 5 feet as approved by Development Plan D930130D.
 - d) Stucco/siding, windows, trim, railings, etc. and roof materials shall be consistent with the final staff approved **color and materials** information package to be submitted to staff prior to their review of the building permit/construction drawings.
 - e) All grading/excavation material shall be exported from the site (no on-site stockpiling is allowed)
2. All development shall be consistent with the approved revised landscaping plan, site plan, floor plans, and elevations.

Conditions required to be completed prior to or at the time of application for construction permits

Site Development/Land Use Permit Plans

3. At the time of application for construction permits, submit a revised site plan, floor plans and architectural elevations to the Department of Planning and Building for review and approval. The revised plans shall indicate the following:
 - a) All structures, flat work, grading and retaining walls shall be located inside the designated building envelope (excepting driveway access and minor grade transitions).
 - b) Light wells shall be eliminated or located within the designated building envelope.
4. Development shall be consistent with these revised and approved plans.

Water and Sewer Services

5. Prior to submitting an application for construction permits, the applicant shall provide construction plans to the San Miguelito Mutual Water Company showing the company's existing facilities and proposed connections to those facilities and obtain plan approval and final will serve letters for water and sewer service.

Fees

6. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.

Fire Safety

7. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan prepared by the Cal Fire/County Fire Department for this project... The fire safety vegetation clearance plan shall be consistent with fire safety mitigation measures from Tract 2149. Clearance shall be completed prior to finaling the building permit.

Building Division

8. At the time of application for construction permits, the applicant shall meet of all the requirements of the Building Division of the Department of Planning and Building including those noted in the referral response dated April 1, 2015.

Public Works Department

Fees

9. On-going condition of approval (valid for the life of the project), and in accordance with Title 13.01 of the County Code the applicant shall be responsible for paying to the Department of Public Works the Avila Beach Road Improvement Fee for each future building permit in the amount prevailing at the time of payment.

Drainage

10. At the time of application for construction permits, the applicant shall submit complete engineered drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. Care must be taken to protect the Oak trees here from concentrated drainage run-off.
11. At the time of application for construction permits, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.

Plans required to be completed prior to the time of application for construction permits

Geotechnical Report

12. At the time of application for construction permits, the applicant shall document that the geologic report prepared for Tract 2149 adequately addresses this individual site's geologic hazards and soils conditions. The determination shall be made by staff in consultation with the County Geologist. A letter from an Engineering Geologist attesting to the adequacy of the proposed construction methods and engineering for the residence may also be required (or additional analysis as deemed appropriate by the County Geologist).

Lighting Plan

13. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, in an exterior lighting plan. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties and public view sheds. Light hoods shall be dark colored. Lamps shall be low intensity.

Drainage Plan

14. At the time of application for construction permits, the applicant shall submit plans for review and approval by the County Engineer. The drainage plan shall be prepared in accordance with the requirements of Land Use Ordinance Chapter 22.52.

Construction drawings

15. At the time of application for construction permits, all project conditions of approval of the staff report and Building Division requirements shall be clearly printed on the plans. Construction documents shall be consistent with the currently adopted California Codes.
16. Construction drawings for the building permit shall clearly show or provide for the following:
 - a) sections through the site showing compliance with the height limit of 24 feet from existing grade at all points, finish grade, the scaled height of the residence, and maximum elevations of the high points of the roof ridges
 - b) site plan shall show the location of the building footprint within the designated building envelope line, and setbacks, existing natural grade, and finish grade with elevations called out
 - c) all cut and fill quantities
 - d) all grading excavation shall be exported from the site (no on-site stockpiling is allowed)

- e) oak trees to be retained both on-site and adjacent to the site where canopies extend into the site with protective measures clearly shown on the plans
- f) location of protective fencing for oak trees to be saved
- g) building material stock pile area identified

Landscaping and Fencing

17. Prior to the issuance of any construction permits, the applicant shall submit final fencing plan; landscape, irrigation and landscape maintenance plans in accordance with Section 22.06 et seq of the Land Use Ordinance to the Development Review Section of the Planning and Building Department for review and approval. Plans shall include location, species and container size of all proposed plant materials and method of irrigation. All proposed plant material shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. The landscape plan shall include the following:

Landscaping

- a) Utilize native-type plants, such as oak trees (or compatible trees)
- b) Indicate location and height of all proposed fencing materials (consistent with D930130D)
- c) Areas outside the designated building site within oak woodland shall be left in a natural state

Fencing and Walls

- d) Perimeter property line fencing shall be limited to 3 feet in height and shall be of unpainted wood or wood appearing materials (or other natural materials).
 - e) Solid rock or stucco walls shall not be permitted along property boundaries but may be allowed within the designated building envelope, subject to all building setbacks. Walls above grade, within building envelopes shall be of natural appearing materials and colors and shall be limited to 6 feet in height measured from finish grade
 - f) All proposed fencing and walls shall be shown on construction plans with maximum height shown on an elevation, and color and materials called out on the plans.
18. All landscaping shall be installed or bonded for prior to finaling the building permit and shall be maintained in a viable condition in perpetuity.

Conditions required to be completed throughout the construction permit review process

19. The following steps shall be taken to implement project conditions in conjunction with the building permit application:

- a) With the submittal of the building permit construction drawings, submit a certified arborist's or biologist's recommendations for protecting all retained oak trees that will need any limb or root trimming to allow for the proposed construction. Recommendations shall be reflected in the construction drawings as is appropriate.
- b) One week prior to issuance of a building or grading permit the applicant shall request a Development Review Section staff site inspection to verify that **protective fencing for oak trees** has been installed and a building material stock pile area identified by the building contractor to prevent disturbance outside of the building envelope.
- c) Prior to issuance of a building or grading permit a **final landscape plan** shall be submitted to the development review section for review and approval (see landscaping plan condition below for contents of plan).
- d) Prior to pouring the foundation and obtaining foundation (form) building inspection sign-off, the applicant shall demonstrate to the building inspector that the residence is in conformance with the required setbacks.
- e) Prior to pouring the foundation and obtaining foundation (form) inspection establish a height measurement control point for the framing contractor.
- f) Prior to obtaining a building inspection sign-off for framing, the applicant shall ensure compliance with the required height limit by having the roof ridge elevation confirmed by a licensed surveyor.
- g) At least one week prior to finaling the building permit the applicant shall request a development review inspection to verify that the Minor Use Permit conditions have been adhered to, including but not limited to: verification of height and setbacks compliance, oak tree protection, protection of protected areas out side the designated building envelope, grading containment, color and materials compliance, landscape (and fencing if any) installation.

Tree Removal/Protection

- 20. Construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be protected. **No trees shall be removed from outside of the building envelope.** For any trees located adjacent to the building envelope which may be impacted by the proposed construction, a certified arborist or biologist shall be retained by the applicant to identify appropriate construction methods that may be required in order to assure the least amount of impacts to the trees.
- 21. All trees to remain on-site that are within fifty feet of construction or grading activities shall be marked for protection (e.g., with flagging) and their root zone fenced **prior to any grading, and inspected by county staff.** The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed

to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil. If any roots must be removed or exposed, they shall be cleanly cut and not left exposed above the ground surface.

22. Prior to issuance of construction permits, the applicant shall clearly show on the project plans all revised drainage patterns that are within 100 feet upslope of any existing (oak) trees to remain. All reasonable efforts shall be made to maintain the historic drainage patterns and flow volumes to these (oak) trees. If not feasible, the drainage plan shall clearly show which trees would be receiving more or less drainage. If the historic drainage pattern and flow volume cannot be maintained for these trees, the drainage plan shall be submitted to the Environmental Division for review. The Environmental Division will determine the significance to the affected trees from the proposed drainage pattern changes and require appropriate replacement levels (up to 4:1 replacement ratio). The applicant agrees that at such time, the County-recommended level of tree replacement along with any suggested measures to improve the success of existing and new trees will be completed.
23. The applicant recognizes that trimming of oaks can be detrimental in the following respects and agrees to minimize trimming of the remaining oaks: removal of larger lower branches should be minimized to 1) avoid making tree top heavy and more susceptible to "blow-overs", 2) reduce having larger limb cuts that take longer to heal and are much more susceptible to disease and infestation, 3) retain the wildlife that is found only in the lower branches, 4) retains shade to keep summer temperatures cooler (retains higher soil moisture, greater passive solar potential, provides better conditions for oak seedling volunteers) and 5) retain the natural shape of the tree. Limit the amount of trimming (roots or canopy) done in anyone season as much as possible to limit tree stress/shock (10% or less is best, 25% maximum). Excessive and careless trimming not only reduces the potential life of the tree, but can also reduce property values if the tree dies prematurely or has an unnatural appearance. If trimming is necessary, the applicant agrees to use a skilled arborist who will apply accepted arborist's techniques when removing limbs. Unless a hazardous or unsafe situation exists, trimming shall be done only during the winter for deciduous species.
24. Smaller trees (smaller than 6 inches in diameter at four feet above the ground) within the project area are considered to be of high importance, and when possible, shall be given similar consideration as larger trees.
25. Construction equipment and staging areas shall be located outside of oak tree dripline areas. Dripline areas are to be shown on the site plan for the construction drawings.
26. Final drainage plans shall be designed so that oak tree trunk areas are properly drained to avoid ponding.

Archaeology

27. In the event that unexpected archaeological deposits of significance are encountered during grading, analysis shall occur in accord with the guidance and limitations provided in Section 15064.5 of CEQA and/or the Land Use Ordinance.

Conditions to be completed prior to final building inspection

Fire Safety

28. Prior to final inspection, the applicant shall obtain final inspection and approval from Cal FIRE of all required fire/life safety measures.

Development Review Inspection

29. Prior to final inspection, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with these conditions of approval.

On-going conditions of approval (valid for the life of the project)

30. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations, and construction is occurring above grade.
31. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.